

ARKANSAS COURT OF APPEALS

DIVISION II
No. CACR 10-343

JEREMY RIDGELL

APPELLANT

V.

STATE OF ARKANSAS

APPELLEE

Opinion Delivered October 6, 2010

APPEAL FROM THE BRADLEY
COUNTY CIRCUIT COURT
[NO. CR-2009-42-4]

HONORABLE DON E. GLOVER,
JUDGE

AFFIRMED

WAYMOND M. BROWN, Judge

A Bradley County jury found Jeremy Ridgell guilty of possession of a controlled substance (cocaine) with intent to deliver. He challenges the sufficiency of the evidence to support that conviction. The arresting officer's testimony that he saw Ridgell drop the matchbox where the drugs were found, even without corroboration, is substantial evidence that Ridgell committed the crime. Therefore, we affirm.

Background

While looking for a person in order to serve a warrant, Officers Thomas Miller and Don Hollingsworth with the Warren Police Department saw three men on the side of the road. Two were drinking beer; the third was Ridgell. Officer Miller stated that he was not sure whether Ridgell was with the other two men, but he was within a couple of arm lengths

from them. In any event, the officers got out of their car, asked for identification from the men drinking beer, and told them to pour out their beer. After he received identification from the other two men, he asked them to empty their pockets. He then told them that they were under arrest for drinking in public. At that time, Ridgell started running. Officer Miller pursued Ridgell on foot, while Officer Hollingsworth followed in his car.

According to Officer Miller's testimony, he chased Ridgell to a house. Ridgell ran up on the doorstep as if he were going to enter the house. Officer Miller said he told Ridgell to come to him, at which time Ridgell dropped a matchbox and started running again. The officers continued the chase and later apprehended him with the help of some pepper spray. While Officer Hollingsworth handcuffed Ridgell, Officer Miller went to retrieve the matchbox. The matchbox contained crack cocaine.

Ridgell moved for directed verdict at the end of the State's case, and the court denied the motion. Ridgell then testified in his own defense. He explained that he ran from the officers because he did not want to be caught with the marijuana he had on his person, and he denied ever having the matchbox. Ridgell also called another witness, who saw the chase but did not mention Ridgell dropping a matchbox.

After hearing the evidence, the jury found Ridgell guilty of possession of a controlled substance with intent to distribute. It later sentenced him to ten years and one week in the Arkansas Department of Correction.

Sufficiency of the Evidence

The only question is whether the State presented sufficient evidence to prove that Ridgell possessed the crack cocaine found by Officer Miller. Ridgell argues that there is doubt as to whether he actually possessed the drugs. He notes that no witness corroborated Officer Miller's testimony, and he relies on his testimony that he did not even know anything about the cocaine.

A motion for directed verdict challenges the sufficiency of the evidence.¹ When considering a challenge to the sufficiency of the evidence to support a conviction, we consider the evidence in the light most favorable to the State, considering only the evidence in favor of the guilty verdict, and affirm if the conviction is supported by substantial evidence.² Substantial evidence is evidence forceful enough to compel a conclusion one way or the other beyond suspicion or conjecture.³ We make no distinction between circumstantial and direct evidence when reviewing for sufficiency of the evidence.⁴ But for circumstantial evidence to be sufficient, it must exclude every other reasonable hypothesis consistent with innocence.⁵

¹ *Jenkins v. State*, 350 Ark. 219, 85 S.W.3d 878 (2002).

² *Mitchem v. State*, 96 Ark. App. 78, 238 S.W.3d 623 (2006).

³ *Baughman v. State*, 353 Ark. 1, 110 S.W.3d 740 (2003).

⁴ *Booker v. State*, 335 Ark. 316, 984 S.W.2d 16 (1998).

⁵ *Id.*

The question of whether it does is for the trier of fact to decide.⁶

We have affirmed convictions based on uncorroborated police testimony. For example, in *McCullough v. State*,⁷ officers approached two men standing near an apartment and ordered them to stop when they started to walk away. The two men started running, and the officers gave chase. One officer followed the appellant and saw him drop a white container from his hand during the chase. After the officer arrested the appellant, he went back and retrieved the container, which contained cocaine. Like Ridgell, the appellant argued that the evidence was insufficient because the pills could have belonged to anyone. But this court affirmed based on the testimony of the arresting officer.⁸

Similarly, Officer Miller testified that he saw Ridgell drop the matchbox containing the cocaine. This testimony is sufficient to establish that Ridgell possessed the cocaine. Ridgell's testimony to the contrary is irrelevant for the purposes of our review, as the jury is ultimately responsible for resolving questions of conflicting testimony and inconsistent evidence.⁹ And the jury is not required to believe the testimony of the defendant.¹⁰

⁶ *Phillips v. State*, 88 Ark. App. 17, 194 S.W.3d 222 (2004).

⁷ 44 Ark. App. 99, 866 S.W.2d 845 (1993).

⁸ See also *Garner v. State*, 355 Ark. 82, 131 S.W.3d 734 (2003) (stating that one eyewitness's testimony is sufficient to sustain a conviction and that said testimony is not clearly unbelievable simply because it is uncorroborated or because it has been impeached).

⁹ *Morgan v. State*, 2009 Ark. 257, 308 S.W.3d 147.

¹⁰ *Champlin v. State*, 98 Ark. App. 305, 254 S.W.3d 780 (2007).

Cite as 2010 Ark. App. 679

Accordingly, we hold that the State presented sufficient evidence to prove that Ridgell possessed cocaine with intent to deliver.

Affirmed.

ROBBINS and KINARD, JJ., agree.